



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

June 27, 1963

Honorable John Connally  
Governor of Texas  
Austin, Texas

Opinion No. C- 103

Re: Residency requirements of  
Judicial Officers of the  
Twelfth and Thirteenth  
Supreme Judicial District.

Dear Governor Connally:

This is to acknowledge receipt of your opinion request  
dated June 24, 1963, from which we quote:

"House Bill 68, Chapter 198, Acts of the Fifty-Eighth Legislature creates two new Courts of Civil Appeals effective September 1, 1963, to be located at Tyler and Corpus Christi. Sections 4 and 5 of the Bill provide that the Governor shall appoint the chief justice and two associate justices for each district 'who shall reside in the territorial limits of the [particular Supreme Judicial District] and who shall possess the qualifications now required by law.'

"Will you please advise me what constitutes compliance with the residence requirement for these judicial offices? Does the appointee have to be a resident of the district at the time of appointment; and, if so, is any particular length of residency required?"

The language of Sections 4 and 5 of House Bill 68, Chapter 198, Acts of the 58th Legislature, Regular Session, 1963, read in part as follows:

"Sec. 4. On or before September 1, 1963, the Governor shall by and with the consent of the Senate, if in session, appoint one chief and two (2) associate justices for the Twelfth Supreme Judicial District, who shall each reside in the territorial limits of the Twelfth Supreme Judicial District, and who shall possess

the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the Twelfth Supreme Judicial District, . . . "(Emphasis added).

"Sec. 5. On or before September 1, 1963, the Governor shall by and with the consent of the Senate, if in session, appoint one chief and two (2) associate justices for the Thirteenth Supreme Judicial District, who shall each reside in the territorial limits of the Thirteenth Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the Thirteenth Supreme Judicial District, . . . "(Emphasis added).

The appointees are thus required to be residents of the district at the time of their qualification for office. There are no constitutional or statutory provisions which would require a person to be a resident of the district prior to his appointment.

You are therefore advised that a person would not have to reside in the territorial limits of the Twelfth Supreme Judicial District or the Thirteenth Supreme Judicial District at the time of his appointment, but must reside therein at the time of his qualifying for the office.

Residency at the time of qualification for office is a question of fact dependent upon the physical location of the individual coupled with his acts and intentions. Attorney General's Opinion No. W-3382 (1941).

#### S U M M A R Y

Judicial officers for the Twelfth and Thirteenth Supreme Judicial Districts appointed by the Governor under the terms of Chapter 198, Acts of the 58th Legislature, Regular Session, 1963, must reside within their respective district at the time of their qualification for office, but do not have to reside therein at the time of the appointment.

Yours very truly,

WAGGONER CARR  
Attorney General

*Jerry Brock*  
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Assistant

JB:mkh

Governor John Connally, page 3 (C- 103 )

APPROVED:  
OPINION COMMITTEE

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REVIEWED FOR THE ATTORNEY GENERAL  
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